

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NUVYYO USA, LLC,

Plaintiff,

v.

PRODUCTWIND, INC.

Defendant.

Denied, for an
insufficient showing of need
Civil Action No. for confidentiality,
which is ^{not} established by mere
agreement by the parties.
PLAINTIFF NUVYYO USA, LLC'S
MOTION FOR LEAVE TO FILE UNDER SEAL So Ordered

Louis L. Stanton

3/26/25

Plaintiff Nuvyyo USA, LLC ("Nuvyyo"), through its undersigned counsel, respectfully requests leave to file under seal Exhibits A and B to Plaintiff's Complaint and Jury Demand ("Complaint").

1. This action arises out of a contract for certain internet-based marketing services.
2. Nuvyyo is filing its Complaint against Defendant ProductWind, Inc.

contemporaneously with this motion. The Complaint has seven exhibits, A through G. Exhibits A and B are the contractual documents at issue in this case – the Influencer Marketing Services Agreement (Ex. A), and Statement of Work No. 1 (Ex. B).

3. Under Federal Rule of Civil Procedure 5.2(d), "[t]he court may order that a filing be made under seal without redaction." Similarly, under Federal Rule of Civil Procedure 26(c), the Court may, upon a showing of good cause, issue an order "requiring that . . . commercial information not be revealed or be revealed only in a specified way." Fed. R. Civ. P. 26(c)(1)(G).

4. Good cause exists here. Exhibits A and B are "judicial documents" subject to a presumption in favor of public access. *See Lugosch v. Pyramid Co.*, 435 F.3d 110 (2d Cir. 2006). These documents, however, contain certain information that is not generally available to the

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public, and the agreement provides that the agreement itself is confidential. The parties have a legitimate privacy interest in avoiding disclosure of this confidential business information. *See Sohm v. Scholastic, Inc.*, No. 16-CV-7098 (JPO), 2017 U.S. Dist. LEXIS 239003, at *3-4 (Aug. 14, 2017) (holding that certain documents containing confidential sales and pricing information overcame presumption of public access and could be filed under seal).

5. Nuvvyo therefore respectfully requests leave to file Exhibits A and B to its Complaint under seal.

Dated: March 20, 2025.

Respectfully submitted,

By: /s/ Brendan J. Healey
Brendan J. Healey (pro hac vice application to be filed)
Catherine R. Lanzano (pro hac vice application to be filed)
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